

### **REMARKS**

Applicants respectfully request reconsideration of this Patent Application in view of the following remarks.

#### **Amendment to the Claims**

Applicants amended Claim 1 to correct a typographical error and to include limitations of dependent Claims 2 and 6. Applicants canceled Claims 2 and 6 as redundant. Applicants amended Claims 3, 7, and 14 in view of amended Claim 1 and canceled Claims 2 and 6, respectively.

Applicants amended Claim 41 to include limitations from dependent Claims 43 and 47. Applicants canceled Claims 43 and 47 as redundant. Applicants amended Claims 44 and 48 in view of amended Claim 1 and canceled Claims 43 and 47, respectively.

No new matter has been added to the claims by this Amendment.

#### **Drawings**

Applicants amended Claim 1 to correct a typographical error in reciting a “liquid-impermeable” body-side liner. Amended Claim 1 recites a “liquid-

permeable” body-side liner. Applicants believe this renders the objection to the drawings moot.

**Claim Rejections - 35 U.S.C. §112**

Claims 1-40 and 90-98 have been rejected under 35 U.S.C. §112, for not enabling the recited liquid-impermeable body-side liner. As discussed above, Applicants corrected the typographical error in Claim 1. Applicants believe the above Amendment renders this rejection moot.

**Claim Rejections - 35 U.S.C. §102**

The rejection of Claims 41, 42, 44-46, 48-72, and 99 under 35 U.S.C. §102(b) as anticipated by EP 0 748 894 is respectfully traversed. Applicants amended Claim 41 to include limitations from dependent Claims 43 and 47. Applicants believe the above Amendment renders this rejection moot.

**Claim Rejections - 35 U.S.C. §103**

The rejection of Claims 43 and 47 under 35 U.S.C. §103(a) as being unpatentable over EP 0 748 894 is respectfully traversed. Limitations of Claims 43

and 47 have been amended into base Claim 41, and the rejection will be thus discussed below with reference to Claim 41.

Applicants' invention is an absorbent article having an improved containment tissue. As discussed in Applicants' Specification, containment sheets or tissues are principally known for providing a barrier to keep, for example, superabsorbent polymers from migrating through a nonwoven body-side liner into contact with the absorbent article user.

EP '894 discloses a method to treat nonwoven webs to impart hydrophilic and hydrophobic stripes. The hydrophilic stripes transport fluid in the elongated direction while the hydrophobic stripes prevent fluid transport in the cross direction (Abstract). EP '894 discloses examples of nonwoven materials at page 3, lines 32-34, but does not disclose either uncreped through air dried tissues or creped Yankee dried tissues as possible nonwoven web materials.

The Examiner contends the recited tissues would be a matter of obvious design choice. Applicants respectfully disagree. EP '894 discloses the nonwoven web material of the invention is for use as a fluid distributing layer (Page 5, lines 5-11). As stated in EP '894 at page 5, lines 7-8:

The purpose of such a sublayer or transport layer [to be modified by the method of the invention] is to distribute fluid, which is insulted through the coverstock, evenly to the absorbent core in the absorbent article.

Applicants respectfully assert that one skilled in the art would have found no suggestion or motivation for applying the method disclosed in EP '894 to either the recited uncreped through air dried tissue or creped Yankee dried tissue. Applicants' recited natural fiber tissue layer is a containment, or barrier, layer which is not generally known for use as a fluid distribution layer such as disclosed in EP '894. Synthetic polymer nonwoven web materials, such as those disclosed in EP '894 at page 3, line 32-34, are typically used for forming such nonwoven transport, distribution, or "surge" layers.

As EP '894 discloses the invented method is for application to fluid distribution layers, one skilled in the art would not have had any suggestion or motivation to apply the method to Applicants' recited natural fiber containment tissue. For at least these reasons, Applicants' invention of Claims 41, 42, 44-46, 48-72, and 99 would not have been obvious in view of EP '894. Favorable reconsideration and withdrawal of this rejection is requested.

### **Conclusion**

Applicants intend to be fully responsive to the outstanding Office Action. If the Examiner detects any issue which the Examiner believes Applicants

Serial No.: 10/032,805

Docket No.: KCC-16,044

have not addressed in this response, Applicants' undersigned attorney requests a telephone interview with the Examiner.

Applicants sincerely believe that this Patent Application is now in condition for allowance and, thus, respectfully request early allowance.

Respectfully submitted,



Mark D. Swanson  
Regis. No. 48,498

Pauley Petersen & Erickson  
2800 West Higgins Road  
Suite 365  
Hoffman Estates, Illinois 60195  
(847) 490-1400  
FAX (847) 490-1403